

REMARKS

In the Office Action mailed September 22, 2004, the Examiner notes informalities in the Abstract; and rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Weiclawski (USPN 6,273,511) ("the '511 reference").

Applicant hereby amends the Abstract to correct the noted informalities.

With respect to the rejection of claims 1-6 as being anticipated by the '511 reference, Applicant respectfully traverses this rejection for at least the following reasons.

The Applicant's invention is directed to a headrest supporting frame connected to a recliner and a seatback frame elastically connected to the headrest supporting frame. In the event of a rear end collision, the seatback frame moves relative to the headrest frame while the headrest frame remains stationary with respect to the lower end secured to the recliner.

The '511 reference discloses "a backrest frame 10 which consists of an upper part 12 and a lower part 14 which are articulatedly connected to one another via a joint 16 with a horizontal axis". Furthermore, the "backseat frame 10 is designed as a divided frame, with the joint 16 which connects the upper part 12 and the lower part 14 pivotally to one another". (see col. 3, lines 1-13). When a passenger's back is pressured against a mat 32, the mat 32 causes the upper part 12 to pivot relative to a fixed point on the lower part 14.

In the Examiner's rejection of claim 1, the only comparison to a teaching of the '511 reference that does not include a reference number is the Examiner's assertion of the existence of a headrest support frame. The only clue provided by the the Examiner is the assertion that such is secured to a recliner 18. The reference teaches that one end of a Bowden cable 24 is connected to a transmission 19 and the other end to a cam 26. If one assumes that the Examiner believes that the upper part 12 is similar to the headrest supporting frame of claim 1, then the recitation is not taught or suggested by the '511 reference. The upper part 12 is not secured via the Bowden cable 24. The Bowden cable 24 is used to pivot the upper part 12 using the cam 26 around the pivot 28, which is connected to the lower part 14.

Claim 1 also recites that the seatback frame is elastically connected to the headrest supporting frame. The '511 reference discloses attaching an upper part 12 to a lower part 14 at a joint 16 such that the two portions may pivot around a fixed point. Even if the Examiner were correct in asserting that the upper part 12 and the headrest supporting frame of claim 1 were similar, the lower part 14 is not elastically connected to the headrest supporting frame.

Claim 1 also recites a headrest adjusting bar that adjusts the height of a headrest, the headrest adjusting bar being perpendicularly bent for connecting to the headrest through the side of the headrest. Nothing in the '511 reference teaches or suggests such a structure.

For at least all of these reasons, the rejection of claim 1 should be withdrawn.

Claim 2 recites that the elastic connecting means is at least one tension spring having a sufficient stiffness to solidly support the back of a seat occupant in a normal state. At best, the '511 reference teaches that the spring 22 is only strong enough to exert "a bias force on the upper part 12 in the direction of the lower part 14" and that the spring 36 is not even connected to the upper part 12. The spring 36 biases the mat 32 in an upward non-deformed position. For at least the reasons applied to claim 1 and these reasons, the rejection of claim 2 should be withdrawn.


Claim 4 recites a headrest supporting frame configured at a bottom end for attachment to a seat and at a top end for supporting a headrest. Nothing in the '511 reference teaches or suggests such a feature. As mentioned above, a Bowden cable 24 is used to pivot the upper part 12 using the cam 26 around the pivot 28, which is connected to the lower part 14 but it is not attached to the upper part 12. Furthermore, the claim recites a seatback frame disposed within the headrest supporting frame, independent from said headrest supporting frame. Nothing in the '511 reference teaches or suggests independent movement, in fact the upper and lower parts of the '511 reference are attached at a fixed, but pivotal point. For at least these reasons, the rejection of claim 4 should be withdrawn.

Claim 5 recites a headrest supporting frame having left and right upright members. The '511 reference fails to teach or disclose left and right upright members of a headrest supporting frame. At best, the '511 reference teaches upright members co-axially aligned that make up upper part 12. Claim 5 also recites adjustment members mounted atop each upright member to define adjusting holes. Nothing in the '511 reference teaches adjustment members mounted atop each upright member to define adjusting holes. At best, the upper part 12 has a single hole in the top of upper part 12 to receive the headrest 20. For at least these reasons, the rejection of claim 6 should be withdrawn.

In view of the foregoing remarks and amendments, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, the Examiner is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060943-0043).

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